

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts  
Southern District of Texas  
FILED

August 05, 2022

United States of America

v.

Omar Roblero-Jimenez

Nathan Ochsner, Clerk of Court

Case No. **4:22-mj-1850**Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 4, 2022 in the county of Walker in the  
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*8 U.S.C. §1324(a)(1)(A)(ii) and (v)  
(I)

Any person who knowingly and recklessly transports, moves, or attempts to transport or move an alien within the United States by means of transportation or otherwise, and any person who engages in a conspiracy to so, shall be punished as provided in subparagraph B.

8 U.S.C. §1324(a)(1)(B)(i)

Any person who violates subparagraph A for the purpose of commercial advantage or private financial gain shall be fined under Title 18, imprisoned for not more than 10 years, or both.

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.*Complainant's signature*

Andrew J. Martin, Special Agent

*Printed name and title*

Sworn to before me telephonically.

Date: 08/05/2022City and state: Houston, TX*Judge's signature*

Yvonne Y. Ho, US Magistrate Judge

*Printed name and title*

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

Attachment "A"

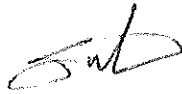
**I, Andrew J. Martin, being first duly sworn, depose and state the following:**

I, Special Agent (SA) Andrew J. Martin, am employed by the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), in Houston, Texas (TX). I have been employed by ICE since March 2019. I have completed the Criminal Investigator Training Program and the Homeland Security Investigations (HSI) Special Agent Training at the Federal Law Enforcement Training Center in Glynco, Georgia. Prior to my assignment to HSI, I was a United States Border Patrol Agent for 4.5 years in Yuma, AZ and an Immigration Enforcement Agent for 3.5 years in Wichita, KS. I also spent 3.5 years as an adjudicator with U.S. Citizenship & Immigration Services.

1. On August 4, 2022, the Walker County, Texas Sheriff's Office (WCSO) contacted Homeland Security Investigations (HSI) – Houston regarding a suspected human smuggling event in progress.
2. At approximately 2120 hours, WCSO conducted a traffic stop near mile marker 113 on Interstate 45 on an Acura MDX for having expired tags. The WCSO deputy made contact with the driver of the Acura MDX, later identified as Omar Roblero-Jimenez. The WCSO deputy also observed 9 other occupants in the vehicle. The WCSO deputy asked Roblero where he was going and his relationship to the other occupants. Roblero told the deputy he was driving them to Dallas and was being paid to do so. The WCSO deputy spoke to the other occupants and determined they all originally resided from outside the United States. WSCO subsequently contacted HSI – Houston for further assistance.
3. HSI – Houston Special Agents (SA) informed WSCO they would respond to the scene to assist. Due to distance and for safety reasons, WSCO informed SAs that the Texas Department of Public Safety (DPS) was going to assist in transporting Roblero and the 9 other occupants to the Montgomery Processing Center (MPC) and would meet there.
4. HSI – Houston Special Agents (SA) responded to the MPC and conducted an immigration inspection of Roblero and the 9 other occupants from the Acura MDX. It was determined that Roblero and the 9 other occupants were unlawfully present in the United States.

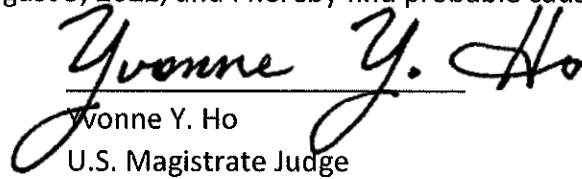
5. On August 4, 2022, at approximately 2345 hours, upon completion of the initial immigration inspection, SAs took Roblero and the 9 occupants into custody. SAs booked Roblero and the 9 other occupants into the MPC to await processing and interviews.
6. Material witness Silbestre Francisco Cutz Chibalan, a citizen of Guatemala, illegally entered the United States on approximately 3 weeks ago. Cutz's intended destination in the United States was New York, New York. Cutz was smuggled into the United States near Laredo, TX. After crossing the border, Cutz was picked with 13 other individuals and taken to a residence where he stayed for approximately 1 week. Cutz and the 13 other individuals were then picked up in a different vehicle and driven to an unknown location where they were dropped off on the side of the road. Cutz and the other individuals walked through the night and followed dropped GPS pins to a residence in San Antonio. Cutz remained at this residence for approximately 30 minutes. Cutz and 3 other individuals were then picked up in a red vehicle and quickly transferred over to a small black vehicle which drove them to a residence in Houston, TX. 8 other individuals were already at this residence upon their arrival. Cutz remained at this residence for approximately 4 days until all the individuals were transferred to a different residence by the same black vehicle. Approximately 16 total individuals were at this residence upon Cutz's arrival. Cutz remained at this residence for approximately 3 or 4 days until getting picked up by the same vehicle that was encountered and stopped by WCSO. Cutz stated no other stops were made after getting picked up in this vehicle and that the driver introduced himself as "Omar." Cutz positively identified Roblero as the driver from a six-photo lineup. Cutz claims his family helped him pay a \$120,000 Guatemalan Quetzales smuggling fee and that \$800 United States Dollars was still owed at the end of the trip.
7. Material witness Miguel Cutz Chibalah, a citizen of Guatemala, illegally entered the United States approximately 1 week ago. Cutz's intended destination in the United States was New York, New York. Cutz does not know the name of the nearest city where he crossed into the United States but knows he walked across the shallow part of the Rio Grand River. Once smuggled into the United States, Cutz and 15 other individuals were picked up in a large silver vehicle and taken just short of San Antonio, TX where they were all dropped off in brush. Cutz and the 15 others walked throughout the night and were eventually picked up in a different vehicle which took them all the way to Houston, TX. Cutz stayed in a gray two story residence with approximately 16 others. Cutz and 9 other individuals were picked up from this residence in the same vehicle that was eventually stopped by WCSO. Cutz stated the driver introduced himself as "Omar." Cutz positively identified Roblero as the driver from a six-photo lineup. Cutz claims his father helped him pay a \$120,000 Guatemalan Quetzales smuggling fee. Cutz stated that "Omar" said he also owed \$800 United States Dollars once he was delivered to his final destination.

8. Based upon the evidence gathered from this investigation, I believe there is probable cause to believe that Omar Roblero Jimenez conspired with others knowingly or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, to transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law, for purpose of commercial advantage or private financial gain, in violation of 8 U.S.C. Sections 1324(a)(1)(A)(ii) and (v)(I), and 8 U.S.C. Section 1324(a)(1)(B)(i).



Special Agent Andrew J. Martin  
Homeland Security Investigations  
Houston, Texas

Sworn and subscribed telephonically on August 5, 2022, and I hereby find probable cause.



Yvonne Y. Ho  
U.S. Magistrate Judge